

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CRAIG MCCART,

Petitioner,

Case Number: 5:10-CV-12090

v.

HON. JOHN CORBETT O'MEARA

GREG MCQUIGGIN,

Respondent.

**ORDER DENYING PETITIONER'S MOTION
FOR APPOINTMENT OF COUNSEL**

Petitioner Craig McCart has filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner, who is currently incarcerated at the Chippewa Correctional Facility in Kincheloe, Michigan, challenges his convictions for two counts of second-degree home invasion, and two counts of receiving or concealing stolen property. Now before the Court is Petitioner's Motion for Appointment of Counsel.

There exists no constitutional right to the appointment of counsel in civil cases, and the court has broad discretion in determining whether counsel should be appointed. *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987) (“[A]ppointment of counsel in a civil case is . . . a matter within the discretion of the court. It is a privilege and not a right.”) (internal quotation omitted). A habeas petitioner may obtain representation at any stage of the case “[w]henver the United States magistrate or the court determines that the interests of justice so require.” 18 U.S.C. § 3006A(a)(2)(B). In the instant case, the

Court determines after careful consideration that the interests of justice do not require appointment of counsel, and will deny the motion.

Accordingly, **IT IS ORDERED** that Petitioner's Motion for Appointment of Counsel [dkt. # 3] is **DENIED**.

s/John Corbett O'Meara
United States District Judge

Date: March 8, 2011

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, March 8, 2011, using the ECF system and upon Petitioner, Craig McCart, at Chippewa Correctional Facility, 4269 W. M-80, Kincheloe, MI 49784 by first-class U.S. mail.

s/William Barkholz
Case Manager